

Appellants' Brief on Appeal
S/N 10/785,227
Docket: YOR920040028US1 (YOR.511)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Samuel S. Adams et al.

Serial No.: 10/785,227

Group Art Unit: 2443

Filed: February 25, 2004

Examiner: K. G. Belani

For: METHOD AND STRUCTURE FOR AUTOMATED LAYOUT
DIRECTOR

Commissioner of Patents
Alexandria, VA 22313-1450

APPELLANTS' BRIEF ON APPEAL

Sir:

Appellants respectfully appeal the rejection of claims 1-15 in the Office Action mailed on July 2, 2008.

I. REAL PARTY IN INTEREST

The real party in interest is International Business Machines Corporation, assignee of 100% interest of the above-referenced patent application.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, Appellants' legal representative or Assignee which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

Docket YOR920040028US1(YOR.511)

III. STATUS OF CLAIMS

Claim 15 stands rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Claim 14 stands rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,953,050 to Kamata et al. Claims 1, 2, and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over US Patent Application Publication No. 2004/0162877 to Van Dok et al, further in view of US Patent Application Publication No. 2004/0161090 to Digate et al. Claims 3-7, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Van Dok/Digate, further yet in view of Kamata. Claims 8 and 11 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Van Dok/Digate, further yet in view of US Patent No. 6,018,346. Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Kamata, further in view of Digate.

Appellants respectfully appeal all of these rejections identified above.

IV. STATUS OF AMENDMENTS

The Examiner refused entry of the after-final Amendment filed on August 18, 2008, as allegedly raising a new issue even though the amendment merely incorporated contents of an existing dependent claim into independent claims.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Bases in the specification for the independent claims:

1. (Rejected) A method of providing a composite data feed for an online meeting (see Figures 3, 6, and 8-11; lines 12-15 of page 7), said method comprising at least one of:
providing a capability (Figs. 2, 5, 6) for at least one participant node in said online meeting to input a layout rule for a customized composite image of said online meeting to be seen specifically at said at least one participant node (step 702 of Figure 7; lines 19-23 of page 7, lines 9-12 of page 8, lines 16-17 of page 16); and

receiving a layout rule defining a composite image of said online meeting that can be customized for at least one participant node in said online meeting (step 703 of Figure 7; lines 19-23 of page 7, lines 9-12 of page 8).

2. (Rejected) The method of claim 1, wherein said layout rule comprises a Boolean combination of conditions (see Figure 8-11, wherein resultant sizes, locations, constitute application of various Boolean combinations; lines 1-7 of page 14, lines 5-11 of page 20, lines 12-19 of page 21, lines 15-21 of page 22).

3. (Rejected) The method of claim 1, further comprising:

receiving data feeds from a plurality of nodes included in said online meeting (step 703 of Figure 7); and

calculating a composite data feed image for said at least one participant node, said composite data feed image complying with said layout rule (steps 704-707 of Figure 7; lines 9-12 of page 8, lines 16-17 of page 16).

4. (Rejected) The method of claim 1, wherein said layout rule specifies at least one of (see Figures 8-11 for examples):

a size of a display pane in said composite image of a given feed involved in said online meeting (lines 16-17 of page 14);

a relative size of said display pane of said given feed (lines 9-12 of page 8, lines 16-17 of page 14);

a position of said display pane of said given feed (lines 9-12 of page 8, lines 18-21 of page 14);

a relative position of said display pane of said given feed (lines 9-12 of page 8, lines 18-21 of page 14);

whether said given feed is included in said composite image (lines 12-17 of page 11, lines 17-20 of page 15);

how frequently said layout rule is to be checked for updates (lines 13-14 of page 8, lines 3-5 of page 15);

how aggressively (lines 14-16 of page 8) a layout specification of said layout rule should be executed in terms of a range of whether said composite image includes only moderately different sized displays or only one maximally large display with all other displays being maximally small;

a status of an owner of said given feed (lines 1-2 of page 8, line 4 and lines 14-15 of page 14, lines 6-7 of page 15); and

a type of said given feed (line 2 of page 8).

5. (Rejected) The method of claim 1, further comprising:

transmitting (step 707, Fig. 7, 209 of Figs 2 and 4, 1234 of Fig 12, lines 1-2 of page 17) said composite data feed image for display on a display device (1238 of Fig 12, lines 10-11 of page 19).

6. (Rejected) The method of claim 3, wherein said calculating is accomplished at a server remote from said at least one participant node (102, 103 of Fig 1, line 8 of page 10 through line 17 of page 12).

7. (Rejected) The method of claim 3, wherein said calculating is accomplished at one of said at least one participant node's location (lines 20-22 of page 24).

8. (Rejected) The method of claim 1, wherein said receiving said layout rule is periodically checked so that said at least one participant node is able to revise (lines 20-22 of page 3, lines 13-14 of page 12) said layout rule until one of:

said at least one participant node exits said online meeting (line 5 and lines 12-13 of page 12, lines 1-2 of page 19); and

said online meeting terminates (lines 1-2 and 18-21 of page 19).

9. (Rejected) The method of claim 3, wherein said calculating the data feed includes at least one of:

an amount of audio activity, including a number of different speakers (lines 2-4 of page 8); and

a level of video activity, including at least one of an amount of overall movement and a number of moving figures (lines 2-8 of page 8, lines 8-12 of page 14).

10. (Rejected) The method of claim 3, said method further having at least one of the following capabilities:

said receiving of data feeds is from one or more distinct network types (lines 12-14 of page 9);

at least one node in said online meeting can serve as a data feed source (lines 10-13 of page 18);

said at least one participant node is able to specify a personal weighting preference to be used in said calculating (lines 16-17 of page 14);

a display for at least one input feed does not change (104 of Fig 1, lines 18-22 of page 9);

said at least one participant node is able to change said layout rules during a given online meeting (line 1 of page 19);

said at least one participant node is able to have at least some rules in said layout rules specified by another user, in addition to the rules said at least one participant node specifies (lines 3-9 of page 13); and

a given set of layout rules can be applied to more than one said at least one participant node (lines 3-9 of page 13).

11. (Rejected) A method of providing a composite data feed for an online meeting (see Figures 8-11), said method comprising:

calculating a composite image of said online meeting that is to be seen uniquely at a participant node (208 of Figs 2 and 4, 706 of Fig 7, lines 9-12 of page 8), wherein a

layout rule for said calculating said composite image can be dynamically changed during a course of said online meeting (lines 20-22 of page 3, line 6 of page 12).

12. (Rejected) An apparatus comprising at least one of:

a graphical user interface (1222, 1236 of Fig 12, lines 12-17 of page 13, line 17 of page 18 through line 2 of page 19) to allow a participant node in an online meeting to provide a layout rule set for a customized composite image of said online meeting that is to be seen at said participant node (see Figures 8-11);

a receiver (1234 of Fig 12) to receive a layout rule set that defines a customized composite image to be presented to a participant node in an online meeting (lines 15-16 of page 19); and

a calculator (1211 of Fig 12) to calculate a customized composite image to be presented to a participant node in an online meeting, said calculator receiving a plurality of feeds related to said online meeting and calculating said customized composite image in accordance with a layout rule set that defines a composite image to specifically be presented to said participant node (lines 9-12 of page 8, lines 16-19 of page 19).

13. (Rejected) A system (100 of Fig 1) comprising:

a first participant node (102 of Fig 1);

at least one of a second participant node (103 of Fig 1) and a data feed node (104 of Fig 1); and

a network (105 of Fig 1) interconnecting said first participant node to said at least one of a second participant node and a data feed, said network thereby providing an online meeting including said first participant node,

wherein said first participant node receives a customized composite image of said online meeting that is calculated in accordance with a layout rule that defines a composite image to be presented specifically to said first participant node (see Figures 8-11, lines 19-23 of page 7).

14. (Rejected) A service (lines 3-5 of page 25) comprising at least one of:

- conducting an online meeting in which any or all nodes participating in said online meeting receives a composite image of said online meeting that is potentially customized for each said node, wherein at least one of a size and a layout of subpanes of the composite image are controlled by user-specified rules (see Figures 8-11; lines 6-10 of page 25);

- operating one of said nodes in said online meeting in which said customized composite images are possible (lines 6-10 of page 25);

- calculating a composite image in said online meeting (lines 6-10 of page 25);

- providing a facility for said online meeting, said facility comprising at least one of a hardware or software component to be used in one of said nodes and at least one of a hardware or software component to be used in calculating a composite image in said online meeting (lines 6-10 of page 25);

- providing a maintenance for said facility for said online meeting (lines 8-10 of page 25); and

- providing a training for at least one of using and operating said online meeting or said facility (lines 16-19 of page 25).

15. (Rejected) A signal-bearing medium (1300 of Fig 13) tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform a method of providing a composite data feed for an online meeting, said method comprising at least one of:

- providing a capability (Figs. 2, 5, 6) for at least one participant node in said online meeting to input a layout rule for a customized composite image of said online meeting to be seen specifically at said at least one participant node (step 702 of Figure 7; lines 19-23 of page 7, lines 9-12 of page 8, lines 16-17 of page 16); and

- receiving a layout rule defining a composite image of said online meeting that can be customized for at least one participant node in said online meeting (step 703 of Figure 7; lines 19-23 of page 7, lines 9-12 of page 8).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Appellants present the following grounds for review by the Board of Patent Appeals and Interferences:

- GROUND 1: The 35 USC §101 rejection for claim 15;
- GROUND 2: The Anticipation Rejection for Claim 14, based on Kamata et al;
- GROUND 3: The Obviousness Rejection for Claim 1 and 15, based on Van Dok et al, further in view of Digate et al;
- GROUND 4: The Obviousness Rejection for Claim 2, based on Van Dok/Digate;
- GROUND 5: The Obviousness Rejection for Claims 3-7, 9, and 10, based on Van Dok/Digate, further yet in view of Kamata;
- GROUND 6: The Obviousness Rejection for Claim 10, based on Van Dok/Digate, further yet in view of Kamata;
- GROUND 7: The Obviousness Rejection for Claims 8 and 11, based Van Dok/Digate, further yet in view of Moran et al; and
- GROUND 8: The Obviousness Rejection for Claims 12 and 13, based on Kamata/Digate.

VII. ARGUMENTS

GROUND 1: The 35 USC §101 rejection for claim 15

The Examiner's Position

The Examiner alleges that claim 15 is directed to non-statutory subject matter because it allegedly "includes a form of energy."

Appellants' Position

Appellants respectfully disagree and point out that the Examiner's position is based entirely upon taking of words out-of-context of its intended meaning in the specification, clearly directed to media used to store computer instructions, when interpreted by one having ordinary skill in the art, who is willing to be free of the bias of attempting to interpret every reference to "transmission media" as somehow referring to a "signal", which is reasonably considered non-statutory under the holding of *Nuijten*, and that every reference to "transmission media" converts any claim remotely related to this reference as equivalent to a "signal."

That is, "energy" *per se* is not used to store computer instructions. Nor is this claim directed to a "signal" *per se*, as were the facts of *Nuijten*. Moreover, to one having any genuine skill in the art, signals *per se* are not used to store instructions, and, contrary to the confusion running rampant within the USPTO in the aftermath of the *Nuijten* holding, the terminology "transmission media" is not equivalent to "signal." Indeed, if taken outside any other context, the terminology "transmission media" would clearly mean the media through which a transmission occurs and would not even refer to a signal *per se*. Therefore, someone at the USPTO is clearly very confused about underlying technology.

As a matter of fact and for point of reference of this panel of the Board in evaluating the present claim 15, the descriptive "signal-bearing" in the four paragraphs on page 24 of the specification are intended to convey the functionality of the stored instructions relative to the storage medium. That is, this descriptive is intended to distinguish from, for example, an instruction written on a sheet of paper, which storage

Docket YOR920040028US1 (YOR.511)

medium (e.g., piece of paper) clearly has no functionality with its written instructions (e.g., there is no “signal-bearing” capability for a piece of paper used to “store” computer instructions).

Furthermore, the reference to “transmission media” merely describes that the instructions could even be stored in a format (e.g., analog or digital) suitable for transmission. The reference to “communication links and wireless” merely describes that the stored instructions may be on storage media (e.g., memory devices) used in communication links and wireless devices.

The description in these four paragraphs on page 24 of the specification clearly refer to hardware, either storage components, such as memory devices, within a computer, or to storage media, such as diskettes, that can likewise store computer instructions with a functionality required to distinguish from written or typed instructions stored on a piece of paper. These components are clearly within one of the four statutory categories in 35 USC § 101, since the computer memory components would clearly be a part of a machine and the diskettes would clearly be a manufacture (e.g., a *Beauregard* type claim).

Therefore, use of terminology in the specification, such as “signal-bearing”, “transmission media”, “digital and analog”, “communication links”, and “wireless”, does not change the plain meaning of the terminology of claim 15 into either “energy” *per se* or a signal *per se*.

Even more significant and more of a legal issue, Appellants submit that the “broadest reasonable interpretation” of claim language does not include an interpretation based on taking words out-of-context of the intended meaning in the specification, since such out-of-context interpretation would no longer be consistent with the specification (see MPEP §2111: “*During patent examination, the pending claims must be “given their broadest reasonable interpretation consistent with the specification.”* *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).

Accordingly, Appellants respectfully request that this panel recognize and hold that it is clear legal error to take wording out-of-context from the specification and import such out-of-context interpretation into claim terminology. Claim 15 is simply not directed to either “energy” *per se* or to a “signal” *per se*.

Docket YOR920040028US1 (YOR.511)

Thus, the Board is respectfully requested to reverse this rejection for claim 15 and to declare that an interpretation of claim language that is based on an out-of-context interpretation of specification wording is not within the “broadest reasonable interpretation consistent with the specification.”

This reversal will at least begin the process of correcting the blatently incorrect technical and legal confusion currently seemingly permeating the entire USPTO that the claims rejected in *Nuijten*, which clearly expressly claimed a signal *per se*, can be expanded so that any reference to “transmission” in a specification somehow becomes equivalent to a claim for a signal, even though the specification is not describing a signal and is making no attempt whatsoever to describe computer instructions as somehow being stored in a signal or even in a “transmission medium.” There simply is no currently known method that either a signal or a medium through which transmission occurs could even possibly be used for storage of instructions. Nor is there any mechanism known such that a medium through which transmission occurs mysteriously becomes a signal. Again, somebody at the USPTO is fundamentally confused about underlying technology and is demonstrating a complete mockery of technology with this type of reasoning.

GROUND 2: The Anticipation Rejection for Claim 14, based on Kamata

Appellants disagree with the Examiner that Kamata uses “user-specified rules” as this terminology is defined in the specification. The Kamata reference (US Patent No. 5,953,050) is actually discussed on page 2 of the specification, wherein it is noted that the user of Kamata’s system cannot avail themselves of an arbitrary size ratio of its two images and is confined to a composite image in which the current speaker’s image is the larger pane.

Since the “user-specified rules” of the present invention overcome these limitations of Kamata, the method of Kamata inherently and clearly do not use “user-specified rules” as this term is defined in the specification. Moreover, the “user-specified rules” is defined in the present invention at various locations as being a set of rules that each user node must enter, (e.g., see step 702 of Fig 7) even if only by default (see lines 19-20 of page 12).

Moreover, the claim itself clearly describes that the user-specified rules control the size or layout of subpanes of the composite image so that each user node potentially has its own customized composite image. In the rejection of record, the Examiner fails to identify a “set of rules” that is specified by users, that control the size or layout of subpanes of a composite image, and that potentially allows each user node to have a customized composite image.

The rejection of record merely points to descriptions in Kamata that demonstrate that the layout can change during the meeting based on different speakers or can be changed in layout. Although there is some discussion in Kamata that each user node receives a different composite image (e.g., line 64 of column 9 through line 4 of column 10), even this capability fails to satisfy the plain meaning of the claim language, since there is no indication that each user enters their respective set of rules that control size or layout of the subpanes such that each user thereby receives a potentially unique composite image that is freely controlled in layout by his entered set of layout rules. The specification process described in these lines of Kamata clearly describe that each user can select which of the potential *n* images are to be presented to the user node, including the arrangement in the composite image. This selection process is a different concept, since there is no

suggestion of a set of “user-specified rules” that the user enters to control size or layout of the subpanes and a simple selection/layout from among n images does not necessitate the existence of user-specified layout rules.

In contrast, the present invention uses a set of rules wherein a user enters his set of rules that can specify any arbitrary relative size or layout of the subpanes.

That is, although Kamata provides a capability for each terminal to control its display contents, there is no suggestion in Kamata to use the method of the present invention of having “user-specified rules”, as that term is described in the present application at, for example, line 18 of page 13 through line 10 of page 15.

Thus, as explained at lines 21-22 of page 13, each layout rule might be of the form “(Condition) (Layout Specification)”, so that the user’s layout rules comprise a Boolean combination of conditions, as described in dependent claim 2. There is no suggestion that the user’s selection in Kamata uses such a format or method based on user rules.

The most that would seem reasonably descriptive in Kamata relative to the user’s directions for contents of the received composite signal would seem to be the description at line 64 of column 9 through line 4 of column 10:

“In FIG. 7, by each select memory 46 storing select data as to which input the corresponding selector 47 is to select pixel by pixel, each of the n image combining units 35 is allowed to produce a different composite image and send it to the corresponding terminal. Thus, each individual participant in the conference can specify only the participants he or she wants to see, and optionally specify the arrangement of their images in the composite image.”

Therefore, although the mechanism in Kamata, as described above, may permit each user to make customized selections, this mechanism is clearly not using the layout rules described in the present application, that each user must enter. Rather, the selection in Kamata is merely a controlling of which of the n images are forwarded to each user terminal. This is a different concept from a method based on using “layout rules”, as defined in the present application, since there is no necessity to have a set of user layout rules involved in a simple selection of images.

Appellants' Brief on Appeal
S/N: 10/785,227

Hence, turning to the clear language of the claims, in Kamata there is no teaching or suggestion of: “ ... wherein at least one of a size and a layout of subpanes of the composite image are controlled by user-specified rules”, as required by claim 14.

Therefore, the Board is respectfully requested to reverse this rejection of claim 14 as being anticipated by Kamata.

GROUND 3: The Obviousness Rejection for Claim 1 and 15, based on van Dok et al, further in view of Digate et al;

Relative to the rejection for claims 1 and 15, Appellants submit that this reference is not reasonably related to the claimed invention. The term "composite" is defined differently in primary reference van Dok and is not consistent with the meaning in the present application. As explained in MPEP §2111, the "broadest reasonable interpretation" must still be consistent with the specification. In this case, it clearly is not consistent.

Van Dok allows a user to reformat the text (and graphic images like the icon ":-)") presented in an interleaved composite image. No facility is given for specifying how to display feeds in separate subpanes. That is, all of one user's input in a 2" x 2" window, located in the top left hand corner of the overall composite image; with all of the second user's input displayed in smaller window, located in the bottom right. Thus, the van Dok reference is not even directed to "layout rules", even in a broad interpretation, let alone lay out rules of image data of an online meeting.

Further, the rules from secondary reference Digate et al. describe how information is to be delivered (e.g., IM), not how it is to be displayed. There is no description whatsoever regarding layout in either van Dok or Digate. Thus, it would not be obvious in any way to generalize van Dok to cover layout, based on secondary reference Digate.

In the Examiner's response on page 25 of the Office Action mailed on July 2, 2008, the Examiner states: "How the specification defines "composite" does not make these claims allowable."

In response, Appellants respectfully submits that the claim language itself distinguishes from the technique of primary reference van Dok, let alone the description in the specification. That is, as clearly described in even the abstract, van Dok is related to a real-time communication such as instant messaging. It does not relate to a video meeting environment such as described in the present application, and the meaning of "composite" in either or both of these two references is inconsistent with the present specification.

This difference shows up in the claim language of the independent claims. For example, in van Dok there is nothing corresponding to "... layout rule for a customized composite image of said online meeting", as required by independent claim 1. There is no image of the online meeting being presented in van Dok, since only users' text messages are displayed in this reference. Even if the display of the text messages of van Dok were to somehow be considered as a composite image of the session, there are clearly no layout rules in van Dok. The examples given by the Examiner concern font selections and content of the messages, which examples would not qualify as "layout rules", even in a broad interpretation of this claim term.

Therefore, even if secondary reference Digate were to be incorporated into primary reference Van Dok, the combination would not provide all the elements of these claims, and the Board is respectfully requested to reverse this rejection for claims 1 and 15.

GROUND 4: The Obviousness Rejection for Claim 2, based on Van Dok/Digate;

The Examiner points to the Table of Figure 9 of secondary reference Digate, with reference also to paragraphs [0062-0063]. However, Appellants submit that the conditions shown in Figure 9 of Digate are not “layout rules” of a composite image, as this term would be understood by one having ordinary skill in the art, since these conditions have nothing to do with the layout of subpanes in a composite image. Moreover, they are clearly different from the layout rules described in the specification of the present application, for example, that term is described in the present application at, for example, line 18 of page 13 through line 10 of page 15. Thus, as explained at lines 21-22 of page 13, each layout rule might be of the form “(Condition) (Layout Specification)”, so that the user’s layout rules comprise a Boolean combination of conditions, as described in dependent claim 2.

Examples of the Boolean combinations of layout rules that result in the layouts shown exemplarily in Figures 8 through 11 are provided, respectively, at lines 5-11 of page 3, lines 14-19 of page 21, lines 15-21 of page 22 of the specification.

Furthermore, Appellants point out that the conditions of Figure 9 of Digate do not, strictly speaking, provide any indication of “a Boolean combination of conditions”, since there is no suggestion to combine these conditions using a Boolean combination, as required by the plain meaning of the language of this claim. That is, the conditions listed in Figure 9 are not Boolean combinations, as this term of art would be understood by one having ordinary skill in the art. They are merely conditions. Moreover, by the way, they are conditions that have no relation whatsoever to layout of subpanes in a composite image of an online meeting.

Therefore, even if primary reference van Dok and secondary reference Digate were to be combined, there would still be no teaching or suggestion of the element defined in claim 2, and the Board is respectfully requested to reverse this rejection.

GROUND 5: The Obviousness Rejection for Claims 3-7, 9, and 10, based on van Dok/Digate, further yet in view of Kamata;

Relative to the rejection for claims 3-7, 9, and 10, van Dok et al. do not provide a way to control subpane layout, only interleaved content formatting. Further (re: page 10) Kamata et al. allow a user to "select", but nowhere are any sort of "layout based rules" described, either in the abstract, or column 2, lines 31-41; only selection from a predefined of size and location choices. Thus it would not have been obvious to generalize Kamata to cover a method which does include the specification of layout rules, since Kamata also fails to demonstrate layout rules.

Therefore, since there are elements of the claimed invention that are not demonstrated even if these three references were to be combined, this rejection fails to provide a *prima facie* obviousness rejection. Moreover, Appellants submit that there is no reasonable rationale articulated in the rejection of record to combine these three references, since it is clear that they are directed to different types of data and since neither van Dok nor Digate's environment would benefit from the image data techniques of Kamata. That is, each of van Dok and Digate are directed to text processing and presentation.

GROUND 6: The Obviousness Rejection for Claim 10, based on van Dok/Digate, further yet in view of Kamata

As Appellants point out in Ground 5 above, there is no motivation to apply the techniques of video imaging to the text imaging of van Dok/Digate. More significant, even if Kamata were to be combined, the combination fails to provide the element defined in claim 10, since “data feed source” feature of this claim (upon which this rejection is based) actually refers to the possibility described in lines 10-13 of page 18 of the specification, wherein is described that one of the client nodes can serve as a “feed source.” This term “feed source” is described in the specification at line 22 of page 8 and lines 1-2 and 18-22 of page 9 as referring to the source of a digitized data feed. The “feed source” is thus distinguished from being merely one of the nodes having image data of the participants of the on-line meeting (as the Examiner has improperly attempted to redefine this terminology in the rejection of record).

None of the three cited references demonstrate a “feed source” as that terminology is used in the present invention.

Therefore, the Board is respectfully requested to reverse this rejection, since there is at least one element of the claimed invention that has not been demonstrated in the rejection of record.

GROUND 7: The Obviousness Rejection for Claims 8 and 11, based van Dok/Digate, further yet in view of Moran et al

Both claims 8 and 11 describe a feature of the present invention wherein a user can change their layout rules dynamically (e.g., during the online meeting). None of the references relied upon by the Examiner have been demonstrated to use a method involving layout rules entered by each user, let alone permitting the user to change the layout rules during the online meeting. The description at lines 24-45 of column 2 of tertiary reference Moran have nothing whatsoever to do with layout rules of an online meeting composite image, let alone a composite image that each user node can potentially make unique by entering their own set of layout rules. Rather, it relates to an entity upon which the on-line meeting is discussing, an entirely different concept. Nor is there any suggestion in these lines of dynamic changes to rules during the course of an online meeting, as being entered by the user at their node.

Therefore, even if tertiary reference Moran were to be combined with van Dok/Digate, the combination would still not demonstrate layout rules for a customized composite image of an online meeting, let alone the capability that each node can dynamically change its layout rules of that composite image during the meeting.

Therefore, the Board is respectfully requested to reverse this rejection, since there are elements not demonstrated even if all three of these references were to be combined.

GROUND 8: The Obviousness Rejection for Claims 12 and 13, based on Kamata/Digate.

Moreover, relative to the rejection for claims 12 and 13, Appellants again point out that secondary reference Digate has nothing to do with layout rules. That is, the rules from Digate et al. describe how information is to be delivered (e.g., IM), not how it is to be displayed (e.g., laid out in the display). There is no description whatsoever regarding layout, thus, it would not be obvious to generalize Kamata to cover layout, based on secondary reference Digate, even if Kamata were to be broadly interpreted as having a form of layout rules.

Therefore, even if secondary reference Digate were to be incorporated into primary reference Kamata, the combination would not provide all the elements of these claims, and Appellants respectfully request that the Board reverse this rejection for claims 12 and 13.

Appellants' Brief on Appeal
S/N: 10/785,227

IX. CONCLUSION

In view of the foregoing, Appellants submit that claims 1-15 are clearly enabled and patentably distinct from the prior art of record and in condition for allowance. Thus, the Board is respectfully requested to reverse these rejections of claims 1-15.

Please charge any deficiencies and/or credit any overpayments necessary to enter this paper to Assignee's Deposit Account number 50-0510.

Respectfully submitted,



Dated: January 9, 2009

Frederick E. Cooperrider
Reg. No. 36,769

McGinn Intellectual Property Law Group, PLLC
8231 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer Number: 21254

CLAIMS APPENDIX

The claims, as reflected upon entry of the Amendment Under 37 CFR §1.111 filed on March 27, 2008, are shown below:

1. (Rejected) A method of providing a composite data feed for an online meeting, said method comprising at least one of:
 - providing a capability for at least one participant node in said online meeting to input a layout rule for a customized composite image of said online meeting to be seen specifically at said at least one participant node; and
 - receiving a layout rule defining a composite image of said online meeting that can be customized for at least one participant node in said online meeting.
2. (Rejected) The method of claim 1, wherein said layout rule comprises a Boolean combination of conditions.
3. (Rejected) The method of claim 1, further comprising:
 - receiving data feeds from a plurality of nodes included in said online meeting; and
 - calculating a composite data feed image for said at least one participant node, said composite data feed image complying with said layout rule.
4. (Rejected) The method of claim 1, wherein said layout rule specifies at least one of:
 - a size of a display pane in said composite image of a given feed involved in said online meeting;

a relative size of said display pane of said given feed;
a position of said display pane of said given feed;
a relative position of said display pane of said given feed;
whether said given feed is included in said composite image;
how frequently said layout rule is to be checked for updates;
how aggressively a layout specification of said layout rule should be executed in
terms of a range of whether said composite image includes only moderately different sized
displays or only one maximally large display with all other displays being maximally
small;
a status of an owner of said given feed; and
a type of said given feed.

5. (Rejected) The method of claim 1, further comprising:

transmitting said composite data feed image for display on a display device.

6. (Rejected) The method of claim 3, wherein said calculating is accomplished at a server
remote from said at least one participant node.

7. (Rejected) The method of claim 3, wherein said calculating is accomplished at one of
said at least one participant node's location.

8. (Rejected) The method of claim 1, wherein said receiving said layout rule is periodically checked so that said at least one participant node is able to revise said layout rule until one of:

said at least one participant node exits said online meeting; and
said online meeting terminates.

9. (Rejected) The method of claim 3, wherein said calculating the data feed includes at least one of:

an amount of audio activity, including a number of different speakers; and
a level of video activity, including at least one of an amount of overall movement and a number of moving figures.

10. (Rejected) The method of claim 3, said method further having at least one of the following capabilities:

said receiving of data feeds is from one or more distinct network types;
at least one node in said online meeting can serve as a data feed source;
said at least one participant node is able to specify a personal weighting preference to be used in said calculating;
a display for at least one input feed does not change;
said at least one participant node is able to change said layout rules during a given online meeting;

said at least one participant node is able to have at least some rules in said layout rules specified by another user, in addition to the rules said at least one participant node specifies; and

a given set of layout rules can be applied to more than one said at least one participant node.

11. (Rejected) A method of providing a composite data feed for an online meeting, said method comprising:

calculating a composite image of said online meeting that is to be seen uniquely at a participant node, wherein a layout rule for said calculating said composite image can be dynamically changed during a course of said online meeting.

12. (Rejected) An apparatus comprising at least one of:

a graphical user interface to allow a participant node in an online meeting to provide a layout rule set for a customized composite image of said online meeting that is to be seen at said participant node;

a receiver to receive a layout rule set that defines a customized composite image to be presented to a participant node in an online meeting; and

a calculator to calculate a customized composite image to be presented to a participant node in an online meeting, said calculator receiving a plurality of feeds related to said online meeting and calculating said customized composite image in accordance

with a layout rule set that defines a composite image to specifically be presented to said participant node.

13. (Rejected) A system comprising:

- a first participant node;
- at least one of a second participant node and a data feed node; and
- a network interconnecting said first participant node to said at least one of a second participant node and a data feed, said network thereby providing an online meeting including said first participant node,

wherein said first participant node receives a customized composite image of said online meeting that is calculated in accordance with a layout rule that defines a composite image to be presented specifically to said first participant node.

14. (Rejected) A service comprising at least one of:

- conducting an online meeting in which any or all nodes participating in said online meeting receives a composite image of said online meeting that is potentially customized for each said node, wherein at least one of a size and a layout of subpanes of the composite image are controlled by user-specified rules;

- operating one of said nodes in said online meeting in which said customized composite images are possible;

- calculating a composite image in said online meeting;

providing a facility for said online meeting, said facility comprising at least one of a hardware or software component to be used in one of said nodes and at least one of a hardware or software component to be used in calculating a composite image in said online meeting;

providing a maintenance for said facility for said online meeting; and

providing a training for at least one of using and operating said online meeting or said facility.

15. (Rejected) A signal-bearing medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform a method of providing a composite data feed for an online meeting, said method comprising at least one of:

providing a capability for at least one participant node in said online meeting to input a layout rule for a customized composite image of said online meeting to be seen specifically at said at least one participant node; and

receiving a layout rule defining a composite image of said online meeting that can be customized for at least one participant node in said online meeting.

Appellants' Brief on Appeal
S/N: 10/785,227

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None